

STATE OF MICHIGAN  
COURT OF APPEALS

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ANGELA R. FINI,

Plaintiff-Appellee/Cross-Appellant,

v

GENERAL MOTORS CORPORATION and  
JIMMY FREDERICK HILL,

Defendants-Appellants/Cross-  
Appellees.

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UNPUBLISHED

April 8, 2003

No. 227592

Oakland Circuit Court

LC No. 97-538608-NI

Before: Cooper, P.J., and Murphy and Kelly, JJ.

PER CURIAM.

A jury awarded plaintiff damages of approximately \$4.26 million after trial in this automobile negligence case. On January 13, 2000, the trial court entered a judgment for plaintiff in the amount of \$2,615,000.<sup>1</sup> On May 5, 2000, the trial court entered an order denying defendants' motion for a new trial, but granting their motion for remittitur with respect to plaintiff's economic losses. Defendants appeal as of right from the trial court's January 13, 2000 judgment. Plaintiff cross-appeals from the trial court's subsequent grant of remittitur. We affirm in part and reverse in part.

I. Facts

On May 9, 1996, defendant Hill worked for General Motors Corporation (GM) at its proving ground in Milford. Defendant Hill testified that he left work at approximately 4:00 p.m. and was driving a 1996 Corvette.<sup>2</sup> It began to rain heavily as defendant Hill exited the proving ground and entered the eastbound lane of GM Road. He explained that GM Road is a two-lane road with a speed limit of fifty miles per hour.

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<sup>1</sup> This figure represented the jury verdict (reduced to its present value), prejudgment interest, mediation sanctions, taxable costs, and attorney fees. Unless otherwise noted, the dollar amounts referred to in this opinion have not been reduced to their present values.

<sup>2</sup> Defendant Hill explained that the Corvette was a GM fleet vehicle that was available for employee use.

After traveling approximately two miles, defendant Hill claimed that the Corvette suddenly began fishtailing. He stated that he tried unsuccessfully to regain control of the Corvette by braking and turning the wheel. However, the Corvette crossed the centerline and ended up perpendicular to the road. Plaintiff's vehicle was traveling in the westbound lane of GM Road and collided with the Corvette. Defendant Hill believed that he was traveling at approximately forty-five miles per hour at the time of the accident.

After exiting the Corvette, defendant Hill approached plaintiff's vehicle and observed that she was unconscious. Emergency workers extracted plaintiff from her vehicle with the Jaws of Life. Gregory Flynn, a paramedic, testified that he and his partner were dispatched to the accident scene at 4:21 p.m. Upon their arrival at 4:34 p.m., Mr. Flynn noted that plaintiff was alert but unable to recall the incident. At 4:57 p.m., plaintiff's level of consciousness was assessed as being alert and orientated times one, which meant that she was alert to a person, place, *or* time. Shortly thereafter, plaintiff was transported to the hospital. Mr. Flynn stated that at 5:20 p.m., plaintiff was assessed as being alert and oriented times three, which meant that she was alert as to person, place, *and* time.

Plaintiff testified that she had no memory of the collision. However, she recalled someone in her vehicle asking questions. She also recalled being transported to the hospital. After arriving at Huron Valley Hospital, plaintiff remembered being in and out of consciousness. Plaintiff stated that her head, neck, and back caused her pain after the accident. According to plaintiff, she remained in the hospital for four days after the accident.

## II. Jury Instructions

Defendants initially contend that the trial court erroneously refused to give a jury instruction concerning sudden emergency. We disagree. Claims of instructional error are reviewed de novo. *Case v Consumers Power Co*, 463 Mich 1, 6; 615 NW2d 17 (2000). Upon request in a civil case, the trial court must give a standard jury instruction if it is applicable and accurately states the law. MCR 2.516(D)(2); *Clark v Kmart Corp (On Remand)*, 249 Mich App 141, 145; 640 NW2d 892 (2002). The applicability of a standard jury instruction to a particular case rests within the trial court's discretion. *Clark, supra* at 145. However, claims of instruction error do not warrant reversal unless it is apparent to the reviewing court that failure to do so would be inconsistent with substantial justice. MCR 2.613(A); *Case, supra* at 6.

The sudden emergency doctrine is used to rebut an inference of negligence arising from the violation of a statute. *Young v Flood*, 182 Mich App 538, 541; 452 NW2d 869 (1990). An instruction on special emergency "is appropriate where a party is confronted with a situation that is 'unusual,' meaning varying from the everyday traffic routine confronting a motorist, or 'unsuspected,' meaning appearing so suddenly that the normal expectations of due and ordinary care are modified." *Id.* at 542, quoting *Vander Laan v Miedema*, 385 Mich 226, 232-233; 188 NW2d 564 (1971).

In the instant case, plaintiff alleged that defendants were negligent for violating MCL 257.626(b) (careless or negligent driving on a highway), MCL 257.627 (speed restrictions given existing conditions), and MCL 257.401 (liability of vehicle owner). The only pertinent statutory

provision that the sudden emergency instruction could apply to in this case would be MCL 257.627.<sup>3</sup> According to MCL 257.627:

*A person driving a vehicle on a highway shall drive at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing. A person shall not drive a vehicle upon a highway at a speed greater than that which will permit a stop within the assured, clear distance ahead. [Emphasis added.]*

However, the sudden emergency doctrine does not apply to MCL 257.627(1) when the only excuse offered is a condition that the statute requires the driver to take into account. *Jackson, supra* at 399. The “any other condition” language in MCL 257.627(1) has been construed to encompass weather conditions and requires drivers to regulate their speed accordingly. *Jackson, supra* at 399. Because the only excuse offered by defendants in this case was the heavy rain, the trial court did not abuse its discretion by refusing to instruct the jury on the sudden emergency doctrine.

### III. Admission of Evidence

Defendants next assert that the trial court erred when it allowed plaintiff to present a single photon emission computed tomography (SPECT) scan at trial. Specifically, defendants claim that SPECT scans are not considered reliable evidence within the scientific community to diagnose closed head injuries. Moreover, defendants contend that plaintiff failed to establish a proper foundation for admitting this evidence. We disagree. As a general rule, a trial court’s ruling concerning the admissibility of expert testimony will not be reversed on appeal absent an abuse of discretion. *Anton v State Farm Mut Automobile Ins Co*, 238 Mich App 673, 677; 607 NW2d 123 (1999).

#### A. Reliability

In defendants’ pretrial motion in limine, they argued that the trial court should omit any reference to the SPECT images of plaintiff’s brain because these scans are not generally accepted within the scientific or medical communities. The rules of evidence require trial courts to determine whether scientific evidence is relevant and reliable before it can be presented to a jury. MRE 702; *Nelson v American Sterilizer Co*, 223 Mich App 485, 489; 566 NW2d 671 (1997). Pursuant to MRE 702:

If the court determines that recognized scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise.

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<sup>3</sup> The sudden emergency doctrine does not apply to emergency situations brought upon by the individual’s own negligence. *Vsetula v Whitmyer*, 187 Mich App 675, 680-681; 468 NW2d 53 (1991); see also *Jackson v Coeling*, 133 Mich App 394, 400; 349 NW2d 517 (1984).

The trial court in this case denied defendants' motion in limine after reviewing a plethora of scientific literature, deposition testimony, and affidavits provided by both plaintiff and defendants. Specifically, the trial court determined that, assuming a proper foundation for the evidence could be established at trial:

vigorous cross examination and recitation of contrary evidence and careful instruction on the burden of proof are the means by which the respective parties can give the jury a full understanding of the scientific evidence being presented.

On appeal, defendants claim that the trial court abused its discretion by failing to "assume its role as gatekeeper in controlling the admission of only reliable evidence."

This Court recently determined that the *Davis-Frye*<sup>4</sup> analysis was appropriate for purposes of determining the admissibility of SPECT scan evidence.<sup>5</sup> *SPECT Imaging, Inc v Allstate Ins Co*, 246 Mich App 568, 579; 633 NW2d 461 (2001). Under *Davis-Frye*, the party offering novel scientific evidence must demonstrate that it has gained general acceptance within the scientific community. *Anton, supra* at 679. "General scientific recognition may not be established without the testimony of impartial experts whose livelihoods are not intimately connected with the evidence at issue." *Id.* When conducting a *Davis-Frye* analysis, a trial court should focus on the method, process, or basis underlying an expert's conclusions. *Id.* at 678-679.

Plaintiff provided the trial court with several affidavits and transcripts of deposition testimony from physicians, psychologists, and psychiatrists in the surrounding medical community. In general, these affidavits supported the proposition that SPECT scans have been recognized within the medical and psychological communities as a reliable tool for assisting in the diagnosis of closed head injuries.<sup>6</sup> Furthermore, the articles provided by plaintiff suggest that SPECT scans are considered helpful in identifying abnormalities caused by head trauma not

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<sup>4</sup> *People v Davis*, 343 Mich 348; 72 NW2d 269 (1955); *Frye v United States*, 54 US App DC 46; 293 F 1013 (1923).

<sup>5</sup> To the extent defendants rely on the standards set forth in *Daubert v Merrell Dow Pharmaceuticals, Inc*, 509 US 579; 113 S Ct 2786; 125 L Ed 2d 469 (1993), we note that "we are bound to follow [the *Davis-Frye*] standard until the Michigan Supreme Court overrules or modifies its decisions in this area." *People v McMillan*, 213 Mich App 134, 137, n 2; 539 NW2d 553 (1995). Nevertheless, it is unnecessary to apply the more relaxed *Daubert* analysis when the evidence satisfies the stricter *Davis-Frye* standard. See *id.*

<sup>6</sup> With the exception of Dr. Ram Gunabalan, whose livelihood involved doing SPECT scans, all of these affiants appear to be proper and impartial experts who diagnose closed-head injuries. See *People v Barbara*, 400 Mich 352, 358; 255 NW2d 171 (1977).

readily apparent on other tests.<sup>7</sup> Indeed, Joseph Masdeu, one of the authors of the 1996 article relied heavily upon by defendant, seemed to endorse the use of SPECT scans in a subsequent article as being helpful in revealing abnormalities that appear normal on CT or MRI scans. With regard to mild head trauma, he noted that “[t]he use of SPECT may have important implications for the classification and management of patients with mild head trauma.” We note that scientific and medical literature have been considered relevant in determining reliability. See *SPECT Imaging, Inc, supra* at 578; *People v Lee*, 212 Mich App 228; 537 NW2d 233 (1995).

Defendants suggest that the affidavits and depositions offered by plaintiff in this case were unpersuasive. However, on this record, we cannot conclude that the trial court abused its discretion when it determined that the SPECT images were admissible.<sup>8</sup> The evidence demonstrated that SPECT scans were generally accepted within the scientific community as having an ability to show abnormalities in brain functioning. They are used in the same fashion that a CT scan might be used by an expert to evaluate a patient and reach a diagnosis.

## 2. Foundation

Defendants further argue that even if SPECT scans were generally accepted within the scientific community, plaintiff failed to establish a proper foundation for the admission of her SPECT scan. Specifically, defendants note that plaintiff’s expert, Dr. Bradley Sewick, was unqualified to testify about her SPECT scan because he was not a medical doctor or the actual tester. Defendants further suggest on appeal that because Dr. Sewick was unable to testify concerning the circumstances surrounding plaintiff’s test, they were denied an opportunity to conduct an effective cross-examination.

Dr. Sewick, a board certified neuropsychologist, has published articles concerning the relationship between SPECT imaging and neuropsychological testing. At trial, he testified, without objection, that plaintiff’s SPECT scan showed evidence of “massive frontal lobe brain damage.” Also without objection, Dr. Sewick identified the CT scan and SPECT scan as diagnostic testing that supported the conclusions he made with neurological testing. Dr. Sewick claimed that he used these diagnostic tests as part of a process of “clinical correlation.”

When plaintiff began to question Dr. Sewick regarding his experience with SPECT scans, defendants requested voir dire. Shortly thereafter, defendants again argued that SPECT imaging was an invalid technique for evaluating closed head injuries. The trial court noted that it addressed this issue in a previous motion in limine. Based on the evidence presented, the trial

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<sup>7</sup> Although Bradley Sewick was plaintiff’s trial witness, his 1996 article may be viewed as prepared by a disinterested and impartial expert because his livelihood is not intimately connected with the SPECT scan technique. *People v Tobey*, 401 Mich 141, 145; 257 NW2d 537 (1977). However, his 1997 paper is less helpful in determining the validation of the SPECT scan within the scientific community because it was co-authored by Dr. Gunabalan. See footnote 7, *supra*.

<sup>8</sup> Defendants cite MCL 600.2955 as being critical to plaintiff’s claim. However, this Court indicated in *Greathouse v Rhodes*, 242 Mich App 221, 238-239; 618 NW2d 106 (2000), rev’d in part on other grounds 465 Mich 885 (2001), that a trial court’s evidentiary ruling should be evaluated under the rules of evidence.

court ruled that it would allow testimony regarding the SPECT scan as part of the various tools used to evaluate an individual's injuries. Defendants next sought to omit Dr. Sewick's testimony referencing plaintiff's SPECT scan because he lacked the appropriate qualifications to comment on it. The trial court concluded that the challenges being made to Dr. Sewick's testimony went more to the weight of the evidence, rather than its admissibility.

Pursuant to MRE 103(a)(1), it is incumbent on defendants to make timely objections or motions to strike. Nevertheless, under MRE 103(d), this Court may still take notice of plain errors affecting substantial rights. Even if evidence is properly objected to at trial, reversal is not required unless refusal to take such action appears inconsistent with substantial justice. MCR 2.613(A). An evidentiary error is not harmless if it was prejudicial. *Merrow v Bofferding*, 458 Mich 617, 634; 581 NW2d 696 (1998).

Defendants argue on appeal that the trial court erroneously believed the admissibility of the SPECT scan evidence was a matter of weight, rather than reliability. Considering the trial court's comments in context, however, it is apparent that it was referring to defendant's contention that Dr. Sewick was unqualified to testify about SPECT scans because he was not a medical doctor or the "tester." Indeed, the record reflects that the trial court had in fact previously ruled that SPECT scan evidence, with a proper foundation, was the type of evidence that the jury could consider as a tool used to evaluate an individual's injuries.

Defendants next appear to contest the validity or reliability of plaintiff's particular SPECT scan. Absent testimony from the individual who actually took the scan, defendants claim that they were unable to conduct an effective cross-examination with regard to the circumstances of the actual SPECT scan performed. Defendants note that Dr. Sewick was unable to provide any information concerning the performance of plaintiff's scan. This argument appears to focus on either the accuracy of the particular machine used to take the SPECT scan or the effect of plaintiff's condition on the machine's accuracy. However, defendants give cursory treatment to this issue in their appellate brief. See *Eldred v Ziny*, 246 Mich App 142, 150; 631 NW2d 748 (2001). In any event, we find no basis for relief. MCR 2.613(A). Given the fact that Dr. Gunabalan's report specifies the technique used in plaintiff's SPECT scan and contains an opinion that the technical quality of the scan was considered to be good, defendant has failed to establish plain error.

Furthermore, it does not appear that defendants specifically challenged the SPECT scan exhibit on this ground at trial. Rather, defendants' attorney challenged Dr. Sewick's qualifications to give testimony about the SPECT scan, regardless of the reliability of the actual SPECT scan taken. Notably, defendants argued that Dr. Sewick was unqualified because he was neither a medical doctor nor the tester. However, MRE 702 does not require that an expert have a particular specialty to give testimony about a matter. An expert can be qualified by knowledge, skill, experience, training or education. See *People v Whitfield*, 425 Mich 116; 122-123; 388 NW2d 206 (1986). Moreover, Dr. Sewick was an appropriate expert to testify regarding whether his neurological testing could be correlated with plaintiff's SPECT scan. In this process, he was entitled to rely on the expert findings and opinions of others. See *People v Dobben*, 440 Mich 679; 488 NW2d 726 (1992).

To the extent defendants claim that the evidence was inadmissible hearsay without an exception, this claim is not properly before this Court. Indeed, defendants did not specifically

make a hearsay objection to Dr. Sewick's testimony at trial. MRE 103(a)(1). An objection to evidence on one ground does not preserve an appellate attack on another ground. *People v Asevedo*, 217 Mich App 393, 398; 551 NW2d 478 (1996).

#### IV. Remittitur

Defendants also contest the trial court's refusal to grant their motion for a new trial or, in the alternative, remit the jury's award of noneconomic damages. Conversely, plaintiff argues that the trial court erred when it reduced the jury's award of future economic damages.

A trial court may grant a new trial when the damage award is excessive. MCR 2.611(A)(1)(c) and (d). However, if the only error is the excessiveness of the verdict, the trial court may deny a new trial if the nonmoving party consents to entry of judgment in an amount that the trial court finds to be the highest amount supported by the evidence. MCR 2.611(E)(1). An appellate court may not disturb a trial court's ruling in this regard absent an abuse of discretion. *Palenkas v Beaumont Hosp*, 432 Mich 537, 533; 443 NW2d 354 (1989); *Craig v Oakwood Hosp*, 249 Mich App 534, 539; 643 NW2d 580 (2002). Although the trial court should consider a number of factors, such as whether a verdict was induced by bias or prejudice, the trial court's inquiry should be limited to objective considerations related to the actual conduct of the trial or the evidence presented. *Palenkas, supra* at 532; *Phillips v Mazda Motor Mfg (USA) Corp*, 204 Mich App 401, 416; 516 NW2d 502 (1994). We consider the evidence in the light most favorable to the plaintiff when reviewing the trial court's exercise of discretion regarding remittitur. *Phillips v Deihm*, 213 Mich App 389, 405; 541 NW2d 566 (1995).

##### A. Noneconomic Damages

The jury awarded plaintiff \$600,000 for past-noneconomic losses and \$2,584,934.32 for future noneconomic losses, for a total of \$3,184,934.32. The future noneconomic losses were essentially computed at \$51,526.93 annually from November 1999 through 2049. Defendants claim that this award was grossly excessive. We disagree.

"Noneconomic losses include past and future disability and disfigurement, shame and mortification, mental pain and anxiety, annoyance, discomfiture, humiliation, denial of social pleasure and enjoyments, and fright and shock." *Craig, supra* at 568-569. However, because noneconomic awards cannot be proven with mathematical certainty, courts are encouraged to look to analogous cases for guidance. *Id.* at 569. Our Supreme Court observed in *Precopio v Detroit*, 415 Mich 457, 471; 330 NW2d 802 (1982), that:

no two cases precisely resemble one another, especially where unliquidated damages are involved. No two persons sustain the same injury or experience the same suffering. An appellate court should not attempt to reconcile widely varied past awards for analogous injuries "which in the abbreviated appellate discussion of them seem somewhat similar". *Gaspard v LeMaire*, 245 La 239, 270; 158 So2d 149, 160 (1963). However, if research uncovers a sufficient sample of reviewed awards, comparisons with analogous cases may prove of some value.

We further note that a dollar amount can never truly be placed on an individual's humiliation or pain and suffering. *Deihm, supra* at 405.

After reviewing the record, it does not appear that the trial court abused its discretion in denying defendants' request for remittitur. Contrary to defendants' claims on appeal, the evidence shows that plaintiff was unable to lead a normal life after the accident. Plaintiff testified that she has been unable to return to work or school. She claimed that her normal activities have been curtailed and that she was advised not to have more children. Plaintiff also indicated that there was a time after the accident that she was actually afraid that she would cause physical harm to her son. We note that plaintiff's explosive temper and inability to maintain emotional stability were concerns expressed by Dr. Terry Braciszewski and plaintiff's psychiatrist, Dr. Richard Feldstein.

Defendants further suggest that the jury's award was excessive when compared to verdicts in cases involving allegedly analogous injuries. Initially, defendants point out that the verdict in the instant case is substantially greater than the probable verdict analysis they obtained from Jury Verdict Research.<sup>9</sup> However, defendants cite no basis for determining the accuracy of this verdict analysis. Further, they cite no authority for the proposition that a "probable verdict" amount provides an objective or relevant means of evaluating a verdict.<sup>10</sup> Defendants' mere assertions regarding the relevancy of the probability analysis and the methods employed by Jury Verdict Research are insufficient to warrant appellate review of this issue.

Defendants also conducted a survey of specific verdicts in Michigan cases, from 1997-1999, involving allegedly similar brain and head injuries. According to defendants, only three of these cases resulted in a jury award exceeding one million dollars. However, in their appellate brief defendants merely cite to the verdict amounts. Absent more information about the nature of these cases, it is impossible for this Court to determine if the cases relied on by defendants are truly comparable. Again, a party may not leave it to this Court to search for and discover the basis of their claim. *Eldred, supra* at 146.

Defendants next cite case surveys from Michigan and other jurisdictions, obtained from Jury Verdict Research, that they claim involve comparable injuries. Defendants argue that case surveys were utilized in a federal district case that relied on *Palenkas, supra*, to assess if an award was excessive. See *Meyers v Wal-Mart Stores, East, Inc*, 77 F Supp 2d 826 (ED Mich, 1999). However, the case surveys defendants provide in the instant case give little information for determining how they compare to plaintiff's injuries.

Defendants have failed to cite any judicially reviewed awards to support their position that the jury's award for noneconomic losses was excessive. Based on the evidence as a whole and the arguments presented, we cannot conclude that the trial court's decision in this case was "so palpably and grossly violative of fact and logic that it evidences perversity of will or the exercise of passion or bias rather than the exercise of discretion." *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000).

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<sup>9</sup> Defendants assert that Jury Verdict Research is an independent research organization that specializes in compiling and analyzing personal injury verdicts.

<sup>10</sup> We note that the case analysis approach approved in *Palenkas, supra*, involved a case specific comparison of the verdicts in analogous cases to determine a range of appropriate awards.

## B. Economic Losses

The jury originally awarded plaintiff \$1,074,360.40 for economic losses. The trial court subsequently reduced this award to \$9,013.60 a year, subject to an annual growth rate of three percent. On cross-appeal, plaintiff contends that the trial court abused its discretion when it remitted the jury verdict for economic damages. We agree.

Work loss under the no-fault act refers to the actual loss of income from work that an injured person would have performed after the loss of income exceeds the three-year limitation. *Ouelette v Kenealy*, 424 Mich 83, 87; 378 NW2d 470 (1985). However, work-loss is a matter of proof and is not necessarily restricted to the wage at the time of the accident. See *Pompa v Auto Club Ins Ass'n*, 446 Mich 460, 472; 521 NW2d 831 (1994). If a jury verdict is within the range of evidence, remittitur is inappropriate. See *Ritchie v Michigan Consolidated Gas Co (After Remand)*, 176 Mich App 323, 325; 439 NW2d 706 (1989).

Plaintiff was twenty-seven years old at the time of the May 9, 1996 accident. The record indicates that she obtained a GED in 1991 and worked as a traffic clerk in district court for approximately four months. In January 1992, plaintiff gave birth to her son and did not work outside the home for several years so that she could be a full-time mother. However, plaintiff took classes at a community college and began working as a housekeeper for Huron Valley Hospital in 1995. A month before her accident, plaintiff became a full-time unit clerk at the hospital and made in excess of eight dollars an hour. Ronald Smolarski, a certified rehabilitation economist, estimated plaintiff's future economic loss on the basis of her wage as a unit clerk. It appears that the jury essentially followed this economic projection in reaching its verdict.

Nevertheless, the trial court reduced plaintiff's future economic losses on the basis of her inconsistent work history. In its opinion, the trial court noted that plaintiff had never worked a full year prior to the accident or earned more than \$8,000 in a given year. Using the jury's verdict of \$9,013.60 for 1999 (from May 9, 1999), the trial court limited plaintiff's economic damages for each subsequent year to \$9,013.60, subject to an allowable growth rate of three percent for each year.

Viewing the evidence most favorable to plaintiff, the jury could have found that she would have continued her full-time employment as a unit clerk if she was not injured. We note that there was some disparity over plaintiff's exact hourly wage as a unit clerk. Plaintiff testified that she made \$8.10 an hour. However, Mr. Smolarski testified that plaintiff's employer informed him that she made \$8.20 an hour. The jury's verdict was slightly lower than Mr. Smolarski's assessment but clearly tracked the evidence presented. Because the jury's verdict was within the range of the evidence presented at trial, the trial court abused its discretion by remitting economic damages. *Id.* at 325. Consequently, we reverse the trial court's May 5, 2000 order granting defendants' motion for remittitur.

We affirm in part and reverse in part. We remand to the trial court to reinstate the jury award of January 13, 2000. We do not retain jurisdiction. Plaintiff may tax costs.

/s/ Jessica R. Cooper  
/s/ William B. Murphy  
/s/ Kirsten Frank Kelly